IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22157 of 2004

Between:

1.Government of Andhra Pradesh, represented by the Executive Engineer, I&CAD Department, Irrigation

Division, Visajkhapatnam, Visakhapatnam District.

2.The Chairman/District Collector, District Level Committee,

Visakhapatnam, Visakhapatnam District.

..... PETITIONER

AND

G.Satya Prasad, S/o. G.Somayya (Retired Pump Operator)

R/o. Visakhapatnam, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ or proceedings more particularly one in the nature of Writ of Certiorari calling for the records pertaining to the orders passed in O.A.No.3463/2001, dated 30.5.2001 and quash the same as illegal and arbitrary.

Counsel for the Petitioners: G.P. for Services-II

Counsel for the Respondent: None appeared.

The Court made the following :

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.3463 of 2001, dated 30.5.2001.

2. The matter relates to compassionate appointment. The learned Tribunal, after hearing the matter, earlier disposed of OA.No.1945 of 2001 with the following directions on 23.3.2001:

> "In the facts and circumstances, I hold that the 1st applicant is entitled for retirement on medical invalidation grounds based on the medical certificate issued by the Medical Board dated 29.7.2000 and the 2nd applicant is entitled for appointment on compassionate grounds to a post to which he is eligible and the Collector is directed to consider the case of the 2nd applicant for appointment to any suitable post to which he is eligible. Subject to the various provisions governing the subject of compassionate appointment. This exercise shall be completed within a period of 2 months from the date of receipt of a copy of this order".

The present Writ Petition has been filed by the State challenging the said order.

3. At the threshold we are not inclined to admit the Writ Petition as it is hopelessly barred by time. The order was passed in March, 2001 and the present Writ Petition is filed in December, 2004. Thus, there is any amount of delay in approaching this Court and except stating that there are administrative reasons, the delay has not been properly explained. Thus, we find that there are clear and unexplained latches on the part of the Department.

4. Accordingly the Writ Petition is dismissed. No costs.

(G.BIKSHAPATHY, J.)

3rd December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1.Government of Andhra Pradesh, represented by the Executive Engineer, I&CAD Department, Irrigation

Division, Visajkhapatnam, Visakhapatnam District.

2.The Chairman/District Collector, District Level Committee,

Visakhapatnam, Visakhapatnam District.

3.2CCs to G.P. for Services-II, High Court of A.P. (OUT).

4 2CD copies.